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Message Text

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15
ACTION EA-14

INFO OCT-01 ADP-00 PM-07 L-03 RSR-01 RSC-01 /027 W
---------- 117652
R 020700Z AUG 73
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 7013

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E O 11652: N/A
TAGS: MARR, RP
SUBJ: FCJ UPDATE

FOLLOWING SENT ACTION CSAF WASHDC/JACI
INFO MANILA JULY 28 REPEATED FOR YOUR INFO:

QUOTE:
R 280820Z JUL 73
FM 405CSG CLARK AB PHIL
TO RUEFHQA/CSAF WASHDC/JACI
INFO RUHVAAA/CINCPACAF HICKAM AFB HI/JA
RUHQHQA/CINCPAC CAMP SMITH HI
RHMOGOA/CINCPACREP PHIL SUBIC BAY PHIL/SJA
RUMJMA/AMEMBASSY MANILA PHIL
ZEN/13 AF CLARK AB PHIL/JA

UNCLAS E F T O FOUO JAI CINCPAC FOR SJA
SUBJ: FCJ UPDATE
REF: OUR 010821Z MAY 73 MSG
1. AT THE END OF THE SECOND CALENDAR QUARTER, 30 JUN 73, 49 MILITARY MEMBERS WERE ON INTERNATIONAL HOLD (IH), 14 OF WHICH WERE BEYOND DEROS. THIS S A 9.25 PCNT AND 30 PCNT REDUCTION RESPECTIVELY SINCE 30 APRIL 73 OR A 36 PCT AND 61 PCT REDUCTION SINCE 1 JAN 73. SINCE 30 APR 73, 93 NEW CASES WERE INITIATED AGAINST SERVICEMEN, THEIR DEPENDENTS, AND MEMBERS OF THE CIVILIAN COMPONENT, MAKING A TOTAL OF 197 NEW CASES THROUGH 30 JUN 73. THIS IS 8 CASES LESS THAN THE SAME 6 MO PERIOD LAST YEAR.
2. AS PREVIOUSLY REPORTED, THESE FIGURES OBVIOUSLY WILL FLUCTUATE;
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E.G. TODAY THERE ARE 41 SERVICEMEN ON IH AND 19 INDIVIDUALS BEYOND DEROS. ALTHOUGH NOT WITHIN THE SECOND QUARTER, SINCE THE LAST REPORT WE SAW THE FAVORABLE DISPOSITION OF THE LAROS, DEGUZMAN, GODWIN, AND COLEY CASES AND FINALLY DECISIONS WERE RENDERED IN THE TAFT,

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HARVEY, BURKETT AND RAMSEY AND STEPHENS CASES. CONSEQUENTLY, THE ONLY REMAINING OLD CASES FROM THE PRIOR ERA ARE WISE AND KERS. IN FACT, THE VAST MAJORITY OF OUR ACTIVE CASES ARE LESS THAN 6 MOS OLD; E.G., THERE ARE ONLY 13 CASES ON OUR ROSTER WHICH BEGAN BEFORE 1 JAN 73. AND ONLY 4 OF THESE ARE STILL BEING ACTIVELY DEFENDED IN COURT. THE REMAINDER ARE EITHER UP FOR RESOLUTION OR THE ACCUSED ARE SERVING THEIR SENTENCE. THE AGEE CASE IN THE NOT TOO DISTANT FUTURE APPEARS HEADING TOWARD A VAVORABLE RESOLUTION. HORNE, HOWEVER, IS A MYSTERY.

3. WITH RESPECT TO CIVIL CASES, IN ADDITION TO THE FAVORABLE RESOLUTIONS IN SCISSOM, ET AL, THE 18 HR OLD CASE OF US VS CLEARK OF COURT, CFI, PAMPANGA, HAS BEEN FAVORABLY RESOLVED. SOUTHERN ZAMBALES LUMBER CO VS BOSEMAN, ET AL, APPEARS TO BE ALL BUT WRAPPED UP.

4. THE RELATIONSHIP BETWEEN MEMBERS OF THIS OFFICE AND THE LOCAL FISCAL'S OFFICE AND JUDGES IS EXCELLENT. JUDGE ABAD SANTOS, BRANCH I, HAS DEMONSTRATED A KEEN INSIGHT INTO SOME OF OUR IRRITANT CASES, COLLUSIVE CASES, AND HAS ON MORE THAN ONE OCCASION QUICKLY DISPOSED OF THESE. JUDGE EJERCITO, GADDI'S REPLACEMENT, APPEARS TO HAVE CAUGHT ON TO THE SHAKEDOWN RACKET BY BAR GIRLS AND IN TWO CASES, ONE FOR RAPE AND THE OTHER SEDUCTION, HAS REQUESTED TO VIEW THE SCENE OF THE ALLEGED OFFENSE. HE HAS ALREADY, IN ONE CASE OF SEDUCTION, ACQUITTED THE ACCUSED BECAUSE THE PROSECUTION FAILED TO ESTABLISH THE GOOD CHARACTER OF THE VICTIM. WE ARE CONTINUING TO STRENGTHEN THE STRONG PERSONAL WORKING RELATIONSHIP WITH THE LOCAL JUDGES AND FISCALS WHICH WE BELIEVE CONTRIBUTES TO A FEELING OF TRUST AND UNDERSTANDING. WE HAVE FOUND THAT THERE IS NO SUBSTITUTE FOR SUCH RELATIONSHIP. BECAUSE OF THIS RELATIONSHIP, IN A PINCH, WE ARE OFTEN GIVEN THE BENEFIT OF A DOUBT. THE SITUATION AT CLARK IS GREATLY AIDED BY WHAT APPEARS TO BE A CLOSE AND SUCCESSFUL WORKING RELATIONSHIP BETWEEN EMBASSY PERSONNEL AND GOP OFFICIALS IN MANILA. ON MANY OCCASIONS, IT APPEARS THE LOCAL FISCAL OR JUDGE HAS RECEIVED GUIDANCE FROM MANILA WHICH REVEALS APPRERFATION AND UNDERSTANDING OF OUR PROBLEMS. SUCH GUIDANCE COULD ONLY HAVE ARISEN FROM PRIOR EMBASSY CONTACT. NEITHER HAVE WE LOST SIGHT OF THE FACT THAT IT WAS THROUGH THE EFFORTS OF THE EMBASSY THAT WE NOW HAVE QUALITY JUDGES IN ANGELES CITY.

5. AS PREVIOUSLY NOTED, THERE HAS BEEN NO SIGNIFICANT REDUCTION

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IN THE NUMBER OF CASES INITIATED AGAINST SERVICE MEN. IT IS UNLIKELY THAT THERE WILL BE ANY FOR SUCH REDUCTION WOULD REQUIRE THE FISCAL TO EXERCISE DISCRETION AND REFUSE TO ENTERTAIN CERTAIN COMPLAINTS. ALTHOUGH WE BELIEVE THE FISCAL COULD DO SO, ESPECIALLY IN MANY PATENTLY UNSUBSTANTIATED ALLEGATIONS, IF IN FACT HE DID SO HOWEVER, HE WOULD NOT ONLY RUN COUNTER TO CERTAIN ELEMENTS IN THE LOCAL POLITICIAL ENVIRONMENT--BAR OWNERS, LAWYERS, POLICEMEN, ETC. BUT WOULD ALSO CREATE A REPUTATION OF BEING PRO-AMERICAN. WE FEEL THAT ONE FACTOR IN REDUCING OUR CASE LOAD IN THE FACE OF THE SAME NUMBER OF CASES INITIATED AGAINST GIS, HAS BEEN THE SHIFT OF MORE ATTENTION TO CASES IN THE FISCAL'S OFFICE--ON THE THEORY THAT THE CASES SHOULD EITHER BE IN COURT OR DISMISSED; E.G., OUR IH ROSTER

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IN EARLY JAN 73 REVEALED THAT APPROX ONE-THIRD OF THE CASES
WERE IN COURT WHILE TWO-THIRDS WERE NOT. AS OF 30 JUN, IT WAS
ABOUT HALF AND HALF. BY INCREASING THE NUMBER AND FREQUENCY OF
HEARINGS IN THE FISCAL'S OFFICE, WE HAVE BEEN ABLE TO RESOLVE MANY
CASES BEFORE THE PARTIES HAVE BECOME ENAMORED TO THEIR POSITIONS.
THE CASES THAT CANNOT BE RESOLVED, AT THE FISCAL'S LEVEL, RATHER
THAN LETTING THEM DRAG ARE QUICKLY GOTTEN INTO COURT. FROM 1 JAN
THROUGH 30 JUN 73, OUR STAFF ATTORNEYS HAVE ATTENDED 623 FORMAL
HEARINGS EITHER IN THE COURT OR IN THE FISCAL'S OFFICE.
6. TWO OTHER FACTORS THAT WE BELIEVE HAVE A BEARING ON THE
REDUCTION IN THE AVERAGE WEEKLY CASE LOAD ARE THE FOLLOWING:
A. THE ESTABLISHMENT OF BI-MONTHLY MEETINGS BETWEEN THE
ACCUSED AND THIS OFFICE AND THE IMPLEMENTATION OF THE MILITARY
LAW SEMINAR. AT THE BI-MONTHY MEETINGS THE EMPHASIS IS ON
ESTABLISHING A RAPPORT WITH THE ACCUSED, EXPLAINING THE PROCEDURES
INVOLVED IN THE PROSECUTION OF HIS CASE, THE STEPS ALREADY TAKEN,
AND EXPLAINING WHAT HE CAN EXPECT TO HAPPEN. FOR THOSE ACCUSED
WHO BELIEVE THEY ARE GUILTY OF AN OFFENSE THE MEETING IS AN
EXCELLENT FORM TO MAP OUT PROCEDURES FOR SETTLEMENT IF THE
ACCUSED IS SO INCLINED.
B. THE MILITARY LAW SEMINAR WAS ATTENDED BY OVER 500 INDIVIDUALS
THIS QUARTER. AT THAT SEMINAR, FOREIGN CRIMINAL JURISDICTION MATTERS
WERE DISCUSSED AT LENGTH. AS A CONSEQUENCE OF THESE SEMINARS,
THERE APPEARS TO BE A GREATER UNDERSTANDING AND SENSITIVITY NOT
ONLY TO LOCAL LAWS AND COURT PROCEDURES BUT TO LOCAL CUSTOMS WHICH
APPEARS IN TURN TO HAVE HAD A DAMPENING EFFECT ON THE POTENTIAL
MISCONDUCT OF SOME SERVICEMEN.
6. NO ONE DOUBTS THAT THERE IS A POTENTIAL FOR INSTANT CRISIS IN
THE PHILIPPINES; HOWEVER, WITH THE CONTINUED SUPPORT FROM THE
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EMBASSY AND A CLOSE WORKING RELATIONSHIP WITH LOCAL AUTHORITIES,
THERE IS A MOOD OF CAUTIOUS OPTIMISM--THAT WE ARE NOW IN THE
POSITION AND HAVE THE ABILITY TO DIFFUSE POTENTIAL PROBLEMS
BEFORE THEY ARISE. THERE WILL ALWAYS BE SERIOUS CASES BUT NONE

VIEWED AS INSURMOUNTABLE.
UNQUOTE
SULLIVAN

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